

112TH CONGRESS  
1ST SESSION

# H. R. 1470

To amend title 5, United States Code, to extend the probationary period applicable to appointments in the civil service, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2011

Mr. ROSS of Florida introduced the following bill; which was referred to the Committee on Oversight and Government Reform

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## A BILL

To amend title 5, United States Code, to extend the probationary period applicable to appointments in the civil service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. PROVISIONS RELATING TO PROBATIONARY PE-**  
4 **RIODS.**

5 (a) IN GENERAL.—Section 3321 of title 5, United  
6 States Code, is amended—

7 (1) in subsection (a), by striking “The Presi-  
8 dent” and inserting “Subject to subsections (c)  
9 through (e), the President”;

1           (2) by redesignating subsection (c) as sub-  
2           section (f); and

3           (3) by inserting after subsection (b) the fol-  
4           lowing:

5           “(c) The length of a probationary period under para-  
6           graph (1) or (2) of subsection (a), established by rule, reg-  
7           ulation, or other action of the President, shall be not less  
8           than 2 years.

9           “(d)(1) For purposes of any probationary period (as  
10          described in subsection (a)(1)), an employee who is trans-  
11          ferred, promoted, demoted, reassigned, or otherwise ap-  
12          pointed to a new position, whether before or after com-  
13          pleting a probationary period (as so described) in a pre-  
14          vious position and whether or not in the same agency,  
15          shall be required to satisfy the probationary period (as so  
16          described) which applies to the new position.

17          “(2) An employee shall not, for purposes of this sub-  
18          section, receive credit for any probationary period com-  
19          pleted, or for any service performed toward completing a  
20          probationary period, in any other position.

21          “(e) The head of each agency shall, in the administra-  
22          tion of this section, take appropriate measures to ensure  
23          that—

24                 “(1) any announcement of a vacant position  
25                 within such agency and any offer of appointment

1       made to any individual with respect to any such po-  
2       sition shall clearly state the terms and conditions of  
3       the probationary period applicable to such position;

4               “(2) any individual who is required to complete  
5       a probationary period under this section shall receive  
6       timely notice of the performance and other require-  
7       ments which must be met in order to successfully  
8       complete the probationary period; and

9               “(3) upon successful completion of a proba-  
10      tionary period under this section, certification to  
11      that effect shall be made, supported by a brief state-  
12      ment of the basis for that certification, in such form  
13      and manner as the President may by regulation pre-  
14      scribe.”.

15      (b) TECHNICAL AND CONFORMING AMENDMENTS.—

16      (1) Section 3321(f) of title 5, United States Code (as so  
17      redesignated by subsection (a)(2)), is amended by striking  
18      “Subsections (a) and (b) of this section” and inserting  
19      “This section”.

20      (c) EFFECTIVE DATE.—This section and the amend-  
21      ments made by this section—

22              (1) shall take effect 180 days after the date of  
23      enactment of this Act; and

24              (2) shall apply in the case of any appointment  
25      (as referred to in section 3321(a)(1) of title 5,

1 United States Code) and any initial appointment (as  
2 referred to in section 3321(a)(2) of such title 5) tak-  
3 ing effect on or after the date on which this section  
4 takes effect.

5 **SEC. 2. APPEALS FROM ADVERSE ACTIONS.**

6 (a) IN GENERAL.—Section 7501(1) of title 5, United  
7 States Code, is amended—

8 (1) by striking “1 year” the first place it ap-  
9 pears and inserting “not less than 2 years”; and

10 (2) by striking “1 year” the second place it ap-  
11 pears and inserting “2 years”.

12 (b) PREFERENCE ELIGIBLE.—Section 7511(a)(1) of  
13 title 5, United States Code, is amended—

14 (1) in subparagraph (A)(ii), by striking “1  
15 year” the first place it appears and inserting “not  
16 less than 2 years”;

17 (2) in subparagraph (B), by striking “1 year”  
18 and inserting “not less than 2 years”; and

19 (3) in subparagraph (C)(ii), by striking “2  
20 years” in the first place it appears and inserting  
21 “not less than 2 years”.

22 (c) EFFECTIVE DATE.—This section and the amend-  
23 ments made by this section—

24 (1) shall take effect 180 days after the date of  
25 enactment of this Act; and

1           (2) shall apply in the case of any individual  
2       whose period of continuous service (as referred to in  
3       the provision of law amended by paragraphs (1), (2),  
4       or (3) of subsection (b), as the case may be) com-  
5       mences on or after the date on which this section  
6       takes effect.

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